

REMARKS

Claims 6, 7, 11-16, 21, 22, 24-28, and 30-77 are pending in the application. Claims 6, 7, 13, 14, and 25-28 have been rejected as being unpatentable in view of WO 98/17064. Claims 11, 12, 15, 16, 21, 22, 24, and 30-39 have been rejected as being unpatentable in view of the combination of WO 98/17064 and U.S. Patent No. 5,929,850. Applicants have added dependent claims 40-77.

With the present amendment, Applicants are filing a Declaration of Prior Invention Under 37 CFR 1.131, which removes WO 98/17064 as a reference. As such, all pending claims should be allowable. The various distinctions between the pending claims and the disclosure of WO 98/17064 are rendered moot in view of the filing of the Declaration.

1) WO 98/17064 is not prior art under § 102(e).

WO 98/17064 is not a § 102(e) reference. WO 98/17064 is a WIPO publication of an international application. The application was filed before November 29, 2000. As such, WO 98/17064 is not prior art under § 102(e). (See "Examination Guidelines for 35 U.S.C. § 102(e), as amended by the American Inventors Protection Act of 1999, and further amended by the Intellectual Property and High Technology Technical Amendments Act of 2002, and 35 U.S.C. § 102(g) (Revised¹)," 1266 Official Gazette 77, p. 3, copy enclosed) ("Publications of international applications filed before November 29, 2000 ... do not have a § 102(e) date at all.").

2) WO 98/17064 is not prior art under § 102(a).

As a § 102(a) reference, the effective date of WO 98/17064 is the date of publication -- April 23, 1998.

In the present application, the inventors invented the subject matter of claims 6, 16, 21, 30, and 35 before April 23, 1998, so WO 98/17064 is not prior art to the application under § 102(a).

Applicants submit herewith a Declaration of Prior Invention Under 37 CFR 1.131 by the inventors. This Declaration establishes that the inventors reduced to practice the subject matter of each of claims 6, 16, 21, 30, and 35 before January 1, 1998.

Applicants respectfully request withdrawal of the rejection of independent claims 6, 16, 21, 30, and 35 and dependent claims 7, 11-15, 22, 24-28, 31-34, and 36-39.

3) Applicants have added dependent claims 40-77.

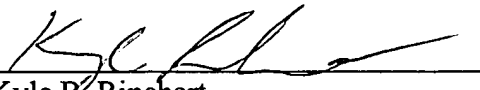
Applicants have added dependent claims 40-77. Claims 40-77 are supported in the original application as filed. Claims 40-77 each depend (directly or indirectly) from one of claims 6, 16, 21, 30, and 35, and should also be allowable.

CONCLUSION

Claims 6, 7, 11-16, 21, 22, 24-28, and 30-77 in their present form should be allowable. Such action is respectfully requested.

Respectfully submitted,

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